

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

IN THE MATTER OF:

TRAJET PRODUCTS, INC.
Mills County, Iowa

ADMINISTRATIVE ORDER

NO. 2012-AQ- **20**

TO: Trajet Products, Inc.
Keith Richards, General Manager
503 Railroad Avenue
Glenwood, Iowa 51534

Trajet Products, Inc.
James A. Catlin, Registered Agent
1003 South Hazel Street
Glenwood, Iowa 51534

I. SUMMARY

This order requires you to comply with Title V Operating Permit Program requirements in a timely manner, and to pay a penalty of \$4,000.00, subject to your appeal rights stated in this order.

Any questions regarding this order should be directed to:

Relating to technical requirements:

Reid Bermel
Iowa Department of Natural Resources
Air Quality Bureau
7900 Hickman Road, Suite 1
Windsor Heights, Iowa 50324
Phone: 515-281-4918

Relating to legal requirements:

Anne Preziosi, Attorney for the DNR
Iowa Department of Natural Resources
7900 Hickman Road, Suite 1
Windsor Heights, Iowa 50324
Phone: 515-281-6243

Payment of penalty to:

Director of the Iowa DNR
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319-0034

II. JURISDICTION

This administrative order is issued pursuant to the provisions of Iowa Code sections 455B.134(9) and 455B.138(1) which authorize the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division II (air quality), and the rules promulgated or permits issued pursuant to that part; and Iowa Code section 455B.109 and 567 Iowa Administrative Code (IAC) chapter 10, which authorize the Director to assess administrative penalties.

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III. STATEMENT OF FACTS

1. Trajet Products, Inc. (Trajet) is a manufacturer of bath tubs and bath fixtures. The company is headquartered in Glenwood, Iowa, and has approximately 25 employees and annual estimated sales of 1 to 4.9 million dollars. The company was established in 1980. The primary emission sources at this facility include fiberglass application guns, molding form lines, foam insulation, and a trim station. Title V Operating Permit No. 02-TV-004-R1 was issued to Trajet on September 11, 2008.

2. In spite of repeated reminders from DNR, Trajet repeatedly has failed to submit its **Title V Annual Compliance Certifications, Semi-Annual Monitoring Reports, Emission Inventories**, and **Title V Fees** in a timely manner, as required by Title V Operating Permit 02-TV-004-R1.

3. On January 10, 2001, DNR sent letters to all Title V facilities, reminding them of the March 31, 2001, submittal date for the year 2000 emissions inventory. In February 2001, the DNR mailed its most recent Air Currents publication, further reminding facilities of the March 31, 2001, requirement for submission of the 2000 emissions inventory.

4. In spite of these reminders, Trajet failed to timely submit its year 2000 emissions inventory. On May 3, 2001, DNR issued a Notice of Violation letter to Trajet for failure to timely submit its 2000 emissions inventory.

5. On May 19, 2004, DNR sent letters to all Title V facilities, notifying them of the fee amount for year 2003, and reminding facilities that Title V fees would be due no later than July 1, 2004.

6. In spite of these reminders, Trajet failed to timely submit its Title V fees for year 2003. On July 21, 2004, DNR issued a Notice of Violation letter to Trajet for failure to timely submit Title V Fees for the year 2003.

7. On December 14, 2007, DNR sent letters to all Title V facilities, reminding them of the March 31, 2008 submittal date for 2007 emissions inventory.

8. Trajet failed to timely submit its year 2007 emission inventory. On April 8, 2008, DNR contacted Trajet to notify it that its year 2007 emissions inventory was late. On April 17, 2008, DNR issued a Notice of Violation letter to Trajet for failure to timely submit its 2007 emissions inventory.

9. On May 19, 2010, DNR sent letters to all Title V facilities, notifying them of the fee amount for year 2009, and reminding facilities that Title V fees would be due no later than July 1, 2010.

10. Trajet failed to timely submit its Title V fees for year 2009 by July 1, 2010. On July 16, 2010, DNR issued a Notice of Violation letter to Trajet for failure to timely submit its 2009 Title V Fees.

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11. September 30, 2010, was the deadline for submittal of the Semi-Annual Monitoring Reports for January 1 to June 30, 2010. Trajet failed to timely file this report. On October 20, 2010, DNR issued a Notice of Violation letter to Trajet for failure to timely submit its Semi-Annual Monitoring Report for January 1 to June 30, 2010.

12. On December 15, 2010, DNR sent letters to all Title V facilities, notifying them of the Annual Compliance Certification and Title V Emissions Inventories that were due March 31, 2011.

13. On December 17, 2010, and March 22, 2011, DNR posted list serve articles to remind facilities of Title V reporting deadlines.

14. Trajet failed to timely file both its year 2010 Annual Compliance Certification and its year 2010 Title V Emissions Inventory by the March 31, 2011, deadline.

15. On April 13, 2011, DNR issued a Notice of Violation letter to Trajet for failure to timely submit its year 2010 Emissions Inventory and year 2010 Annual Compliance Certification.

16. On April 20, 2011, Trajet submitted an incomplete year 2010 Annual Compliance Certification. On May 12, 2011, DNR issued a Notice of Violation letter to Trajet for failure to submit a complete 2010 Annual Compliance Certification.

17. On May 18, 2011, DNR sent letters to all Title V facilities, notifying them of the fee amount for calendar year 2010. July 1, 2011, was the deadline for submittal of the Title V Fees for year 2010. Trajet failed to timely submit its year 2010 Title V fees.

18. On July 8, 2011, DNR issued a Notice of Violation letter to Trajet for failure to timely submit Title V Fees for year 2010.

19. Trajet has failed to submit the required Title V 2011 Emissions Inventory by the March 31, 2012, deadline.

20. Additionally, Trajet has a past history of other air quality violations. On July 17, 2001, DNR issued Administrative Order No. 2001-AQ-18 to Trajet for failure to obtain a Title V Permit, failure to submit Title V Emissions Inventories, failure to submit Title V Fees, failure to comply with construction permit limits, and failure to apply for construction permits prior to installing and operating equipment. On June 16, 2008, DNR issued a Notice of Violation letter to Trajet for failure to timely submit reports required by NESHAP subpart WWW for Reinforced Plastic Composites Production.

IV. CONCLUSIONS OF LAW

1. According to Iowa Code section 455B.133(8), the Environmental Protection Commission (Commission) shall adopt rules requiring the owner or operator of an air contaminant source to obtain an operating permit, if applicable, pursuant to Title V of the Clean Air Act. According to the provisions of 567 IAC 22.104, no source may operate after the time that it is required to submit a timely and complete application, except in compliance

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with a properly issued Title V operating permit. According to the provisions of 567 IAC 22.108, each Title V operating permit shall include emissions limitations and standards, including those operational requirements and limitations that ensure compliance with all applicable requirements at the time of permit issuance. Trajet has failed to timely submit its Title V Annual Compliance Certifications, Semi-Annual Monitoring Reports, Emission Inventories, and Title V Fees in compliance with DNR's Title V rules and with its Title V permit.

Annual Compliance Certifications and Semi-Annual Monitoring Reports

2. Trajet failed to submit Title V Reports in a timely manner as required by the provisions of 567 IAC section 22.108(5) and 567 IAC 22.108(15)"e". 567 IAC 22.108(5) requires the submittal of reports of any required monitoring at least every six months. This section further requires that all instances of deviations from permit requirements must be clearly identified in such reports. 567 IAC 22.108(15)"e" requires that permits shall include the frequency of submissions of compliance certifications, which shall not be less than annually. Trajet failed to submit the required reports by the due date on three separate occasions.

3. General Condition G4 of Title V Permit 02-TV-004-R1 governs submission of an Annual Compliance Certification. General Condition G4 states that by March 31 of each year, the permittee shall submit compliance certifications for the previous calendar year. Trajet failed to timely submit the required report on one occasion, for year 2010. Further, when Trajet submitted its late Annual Compliance Certification report following notification by DNR, Trajet failed to submit a complete Annual Compliance Certification for year 2010. This incomplete report constituted a further violation of 567 IAC 22.108(5) and Title V Operating Permit General Condition G4.

4. General Condition G5 of Title V Permit 02-TV-004-R1 governs the submission of Semi-Annual Monitoring Reports. That section states that by March 31 and September 30 of each year, the permittee shall submit a report of any monitoring required under this permit for the six-month periods of July 1 to December 31 and January 1 to June 30, respectively. Trajet failed to comply with this permit provision when it failed to submit the required report by the due date on one occasion. The late-filed report was for January 1 to June 30, 2010.

Title V Fees

5. Failure to Submit Title V Permit Fees in a timely manner is governed by 567 IAC 22.106(3). 567 IAC 22.106(3) requires that Title V fees be submitted annually by July 1. General Condition G6 of Title V Permit 02-TV-004-R1 also governs the submission of annual Title V Fees. General Condition G6 states that the permittee is required to pay an annual fee based on the total tons of actual emissions of each regulated air pollutant. The permit also states that beginning July 1, 1996, Title V operating permit fees must be paid by July 1 of each year. Trajet failed to comply with this rule and the corresponding permit provision when it failed to submit the required fees by the due date on three separate occasions. Trajet failed to timely submit its fees for years 2003, 2009, and 2010.

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Emission Inventories

6. 567 IAC 22.100 states actual emissions for the purposes of determining fees shall be the actual emissions calculated over a period of one year. 567 IAC 22.106 states that the Title V fee to be paid shall be based on emissions for the previous calendar year. According to 567 IAC 106(3), a "Title V annual emissions summary/fee" form shall be submitted annually by March 31 of each year, documenting actual emissions for the previous calendar year.

7. General Condition G6 of Title V Permit 02-TV-004-R1 states that the forms required by 567 IAC 106(3), including the "Title V annual emissions summary/fee", shall be submitted annually by March 31 documenting actual emissions for the previous calendar year. Trajet failed to comply with this permit provision when it failed to submit the required documentation by the due date on four separate occasions. Trajet failed to timely file annual emission inventories for years 2000, 2007, 2010, and 2011.

V. ORDER

THEREFORE, DNR orders Trajet to do the following:

1. In the future, take preventive action to ensure timely compliance with Title V Operating Permit Program requirements; and
2. Within 45 days of the date of this order, pay a penalty of \$4,000.00.

VI. PENALTY

Pursuant to the provisions of Iowa Code section 455B.109 and 567 IAC chapter 10, which authorize the Director to assess administrative penalties, a penalty of \$4,000.00 is assessed by this order. The penalty must be paid within 45 days of the date of the issuance of this order.

Iowa Code section 455B.146 authorizes the assessment of civil penalties of up to \$10,000.00 per day of violation for the air quality violations involved in this matter. More serious criminal sanctions are also available pursuant to Iowa Code section 455B.146A.

Iowa Code section 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000.00 that may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties through 567 IAC chapter 10. Pursuant to this rule, DNR has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an administrative order with a penalty. The administrative penalty assessed by this order is determined as follows:

Economic Benefit -- Trajet received an economic benefit over other Title V facilities that comply with the due dates for the Title V Annual Compliance Certifications, Semi-

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Annual Monitoring Reports, Emission Inventories, Fees and Renewals. However, this benefit is minimal and no penalty is assessed for economic benefit.

Gravity of the Violation – No actual or threatened harm to the environment resulted from Trajet's late submittal of Title V Annual Compliance Certifications, Semi-Annual Monitoring Reports, Emission Inventories, Fees and Renewals. However, failing to submit Monitoring Reports in a timely manner does prevent the DNR, as well as the public, from promptly being informed of the facility's compliance status with regard to Iowa's air quality rules. In addition, Title V fees are required to administer the air programs required under the Clean Air Act. The DNR's annual budget is contingent upon all Title V facilities submitting the correct fees by July 1.

Trajet's failure to comply with the various reporting and fee paying requirements associated with the Title V program has forced the DNR to spend additional time and resources in an effort to obtain the required reports, fees, and permit applications. Thus, these violations threaten the integrity of the DNR's air program. For this reason \$2,000.00 is assessed for this factor.

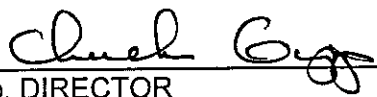
Culpability – Trajet is well aware of the Title V reporting and fee paying requirements, having applied for its initial Title V permit in 2000. Nevertheless, Trajet has a history of late submittals to DNR. Trajet thus displays a willful disregard for DNR's reporting requirements. For this reason \$2,000.00 should be assessed for this factor.

VII. APPEAL RIGHTS

Pursuant to Iowa Code section 455B.138 and 561 IAC 7.4(1), a written notice of appeal to the Commission may be filed within 30 days of receipt of this order. The notice of appeal should be filed with the Director of DNR and must identify the specific portion or portions of this order being appealed and include a short and plain statement of the reasons for appeal. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC chapter 7.

VIII. NONCOMPLIANCE

Failure to comply with this order, including failure to timely pay any penalty, may result in the imposition of further administrative penalties or referral to the attorney general to obtain injunctive relief and civil penalties pursuant to Iowa Code sections 455B.146. Compliance with Section "V. Order" of this order constitutes full satisfaction of all requirements pertaining to the specific violations described in Section "IV. Conclusions of Law" of this order.



Chuck Gipp, DIRECTOR
Iowa Department of Natural Resources

Dated this 6th day of
July, 2012.

Facility No. 65-01-005; Anne Preziosi; DNR Field Office 4; VII.B.2